MADRAS ACT No. III OF 1899.[1]

[THE MADRAS REGISTRATION OF BIRTHS AND DEATHS ACT, 1899.]

[*8th June* 1899.]

An Act to make provision for the Registration of Births and Deaths in rural tracts.

Preamble.

WHEREAS it is expedient to make provision for the registration of births and deaths in rural tracts ; It is hereby enacted as follows :—

Title.

1. This Act may be called the Madras Registration of Births and Deaths Act, 1899.

Extension and withdrawal of Act.

2. The [2][State Government] may, by notification, extend this Act, or any portion thereof, to any local area beyond the limits of the city of Madras and of the municipalities constituted under the Madras District Municipalities Act, 1884,[3] and may also by notification exclude any such local area from the operation of the Act or any portion thereof.

Interpretation clause.

3. In this Act, unless there is something repugnant in the subject or context,—

"Plantation."

[4]['plantation' means any land not less than fifty acres in extent, whether held by one person or by more persons than one as co-owners and whether in one or more blocks, which is being prepared for the production of, or actually produces, tea, coffee, pepper, rubber, cardamom or cinchona or such other products as the [5][State] Government may by order duly notified specify ;]

"Village."

"village" means any local area [6][(exclusive of any plantation)] which for purposes of revenue administration is now recognized as a village or, which may hereafter be

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[1] For Statement of Objects and Reasons, *see Fort St. George Gazette* Supplement, dated 22nd November 1898, p. 4 ; for Proceedings in Council, *see ibid*, dated 20th December 1898, pp. 15–22, and *ibid*, dated 28th March 1899, pp. 16–40.

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] See now the Madras District Municipalities Act, 1920 (Madras Act V of 1920).

[4] This definition was inserted by section 2 (i) of the Madras Registration of Births and Deaths (Amendment) Act, 1945 (Madras Act XIX of 1945) as modified and re-enacted permanently by section 3 of, and the Second Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[5] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

[6] These words and brackets were inserted by section 2 (ii) of the Madras Registration of Births and Deaths (Amendment) Act, 1945 (Madras Act XIX of 1945) as modified and re-enacted permanently by section 3 of, and the Second Schedule to the Madras Re-enacting (No. II) Act, 1948 (Madras act VIII of 1948).

declared by the [1][State Government] to be a village, and in which local area this Act or any portion thereof is in force :

"registrar" means a person appointed registrar of births and deaths under section 5 of this Act. "Registrar."

District Collector to proclaim that registration will be compulsory.

4. On the publication of a notification under section 2 extending this Act or any portion thereof to any local area, the District Collector shall cause to be proclaimed in the vernacular language by notices posted at the village chavadi or other conspicuous place and by beat of drum in every village [2][or plantation] within the area so notified and by publication in the District Gazette the date from which registration of births and deaths will be compulsory in the said area.

Appointment of registrars.

5. (1) On the publication of such notification, the Collector shall appoint a person either by name or by virtue of any office he may hold to be registrar of births and deaths for each village [3][or plantation], or may if he sees fit divide any village [3][or plantation] into wards and appoint a person either by name or by virtue of any office he may hold to be registrar of births and deaths for each ward.

Registrars to keep registers in the prescribed form.

(2) Every registrar so appointed shall keep in the prescribed form a register of births and deaths for his village, [4][plantation] or ward, as the case may be.

Owners of plantations to bear cost of appointment of registrars.

[5] [**5-A.** (1) If any person in the service of the [6][State] Government is appointed to be registrar for any plantation or ward thereof, the Collector shall determine every year the cost of such appointment to the Government during the previous year; such cost shall include the salary, allowances and travelling allowances of the registrar, contributions, if any, to his provident fund, contributions necessary to meet his leave allowances and pension, and the contingent and other expenditure incurred by him in performing his functions under this Act and the rules made thereunder in respect of the plantation or ward.

(2) The Collector may, by order, direct that the whole of the cost as determined under sub-section (1) for the plantation or for all the wards therein, as the case may be, or such part of the cost as the Collector may think fit, shall be paid by

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[1] The words "Provincial Government" were substituted for the words "Local Government" by Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] These words were inserted by section 3 of the Madras Registration of Births and Deaths (Amendment) Act, 1945 (Madras Act XIX of 1945) as modified and re-enacted permanently by section 3 of, and the Second Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[3] These words were inserted by section 4 (i), *ibid.*

[4] This word was inserted by section 4 (ii), *ibid.*

[5] This section was inserted by section 5, *ibid.*

[6] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

the owner of the plantation before a date which shall be specified in the order.

(3) Any sum ordered to be so paid shall be a charge on the plantation and may be recovered from the owner thereof for the time being, as if it were an arrear of land revenue.]

Registrars to live in their villages or wards.

6. Every such registrar shall, unless otherwise expressly authorized by the Collector in writing, reside within the village, [1][plantation] or ward of which he is the registrar, and shall cause his name, with the addition of registrar of births and deaths for the village, [1][plantation] or ward for which he is so appointed, written in the vernacular language, to be placed in some conspicuous place on or near the outer door of his office.

District Collector to have register printed and supplied.

7. (1) The District Collector shall cause to be printed and supplied a sufficient number of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed by the [2][State Government].

Copy of such forms to be posted in the office of the registrar.

(2) A copy of such forms in the vernacular language shall be posted in some conspicuous place on or near the outer door of the office of every registrar.

Information of birth to be given within two weeks.

8. The father of every child, or in case of the death, illness, absence or inability of the father, the midwife assisting at the birth, and in her default every adult male member of the family resident in the house in which the child was born and any person having charge of the child or in default of the above the mother, shall, within two weeks next after the day of such birth, give or cause to be given, either orally or in writing, information to the registrar, according to the best of his knowledge and belief, of the several particulars required to be entered in the forms prescribed under section 7 :

Provisos.

Provided that a person not required to give information in the first instance but only in default of some other person shall not be bound to give information under this Act if he had reasonable cause to suppose that the information had been or would be duly given by such other person :

Provided also that, in the case of an illegitimate child, it shall in the first instance be the duty of the mother of such child to give information under this Act, and no person, shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father

[1]This word was inserted by section 6 of the Madras Registration of Births and Deaths (Amendment) Act, 1945 (Madras Act XIX of 1945) as modified and permanently re-enacted by section 3 of, and the Second Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[2] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and unless such person shall sign the register together with the mother.

Information to be given respecting new-born child found exposed.

9. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the registrar, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

Information of death to be given within four days.

10. The nearest adult male relative present at the death, or in attendance during the last illness, of any person dying in a village [1][or plantation], or, in case of the default of such relative, every adult male person present at the death, or, in case of their default, the occupier of the house, or in his default every adult male person living in the house in which such death has happened, or in case of the default of such inmate, the person undertaking the disposal of the corpse shall, within four days from the date of death, give or cause to be given, either orally or in writing, information to the registrar, according to the best of his knowledge and belief, of the several particulars required to be entered in the forms prescribed under section 7:

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be bound to give information under this Act if he had reasonable cause to suppose that the information had been or would be duly given by such other person.

Head of the village bound to give information regarding other deaths.

11. In case any person is found dead in a village [1][or plantation] under circumstances not covered by section 10, it shall be the duty of the head of the village [2][or, in the case of a plantation, of the person appointed by the Collector in this behalf,] to give forthwith, to the best of his knowledge and belief, to the registrar, such information of the particulars required to be registered concerning such death as the informant possesses.

12. Notwithstanding anything contained in sections 8 and 10 of this Act—

In case of births and deaths in hospital, medical officer in charge to send notice to the registrar,

(1) in case of a child being born or of a person dying in any hospital, it shall be the duty of the medical officer in charge forthwith to send to the registrar a notice in writing

[1] These words were inserted by section 8 (i) of the Madras Registration of Births and Deaths (Amendment) Act, 1945 (Madras Act XIX of 1945) as modified and re-enacted permanently by section 3 of, and the Second Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[2] These words were inserted by section 8 (ii), *ibid.*

of the occurrence of such birth or death containing the several particulars required to be entered in the forms prescribed under section 7;

In case of, births and deaths in choultries, etc., keeper or person in charge to give the information required.

(2) in case of a child being born or of a person dying in any choultry, chattram, hotel, boarding-house, lodging-house, tavern, arrack or toddy shop or place of public resort, it shall be the duty of the owner, keeper or person in charge thereof to give the information required under sections 8 and 10 in the manner specified therein within forty-eight hours of the birth or death, as the case may be.

A person giving oral information to write his name in the register.

13. Every person who has orally given to a registrar any information required under this Act shall write in the register his name, description and place of abode, and, if he cannot write, shall put his mark in the register to his name, description and place of abode, these particulars being in such case entered by the registrar.

When registrar to give extract, free of charge.

14. The registrar shall, as soon as the registration of the birth of a child has been completed, give, on application, free of all charge, to the person who gives information of the birth an extract under his hand from the register relating to such birth.

Registrar to register information without fee or reward and inform himself of every birth and death.

15. Every registrar shall without fee or reward register all information furnished to him under sections 8 to 13, and it shall also be his duty to inform himself carefully of every birth and of every death which takes place in his village, [1][plantation] or ward, and he shall ascertain and register as soon as conveniently may be after the event, the particulars required to be registered according to the forms prescribed under section 7 touching every such birth and death, as the case may be, which has not already been registered.

Registration of name of child.

[2][**16.** Where the birth of any child has been registered without a name, the parent or guardian of such child shall, within thirteen months of the date of its birth, give information regarding the name of the child to the registrar either orally or in writing, and thereupon the registrar shall enter such name in the register and initial and date the entry.]

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[1] This word was inserted by section 9 of the Madras Registration of Births and Deaths (Amendment) Act, 1945 (Madras Act XIX of 1945) as modified and re-enacted permanently by section 3 of, and the Second Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[2] This section was substituted for the original section 16 by section 2 of the Madras Registration of Births and Deaths (Amendment) Act, 1942 (Madras Act II of 1942). This was permanently re-enacted by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

Search of birth and death register.

17. [1][(1) Subject to any rules which the [2][State] Government may make under section 20, including rules relating to the payment of fees and postal charges, any person may—

(*a*) cause a search to be made by the registrar for any entry in a register of births and deaths; and

(*b*) obtain an extract from such register relating to any birth or death.]

[3][(2)] All extracts given under this section [4][shall be in the form prescribed by rules made under section 20,] shall be certified as provided in section 76 of the Indian Evidence Act, 1872 (I of 1872) and may be produced in proof of the entries of which they purport to be copies.

Penalty for omission to give information, etc.

18. [5][(*a*)] Any person who—

(1) fails without reasonable cause to give any information which it is his duty to give under sections 8, 9, 10, 11, [6][12, and 16] of this Act; or

(2) gives, or causes to be given, for the purpose of being inserted in any register of births or deaths, any information which is false and which he knows or believes to be false touching any of the particulars required to be known and registered; or

(3) refuses to write his name, description and place of abode or to put his mark in the register if required by section 13;

shall, on conviction before a Magistrate, be liable to a fine not exceeding ten rupees.

[5][(*b*) The District Collector may impose a penalty not exceeding twenty-five rupees on any person who,

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[1] This sub-section was substituted by section 2 (i) of the Madras Registration of Births and Deaths (Amendment) Act, 1949 (Madras Act XXXVII of 1949) for that sub-section as substituted for the first paragraph of section 17 by section 10 of the Madras Registration of Births and Deaths (Amendment) Act, 1945 (Madras Act XIX of 1945) as modified and re-enacted permanently by section 3 of, and the Second Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[2] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

[3] The second paragraph of section 17 was numbered as sub-section (2) of that section by section 10 of the Madras Registration of Births and Deaths (Amendment) Act, 1945 (Madras Act XIX of 1945) as modified and re-enacted permanently by section 3 of, and the Second Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[4] These words and figures were inserted by section 2 (ii) of the Madras Registration of Births and Deaths (Amendment) Act, 1949 (Madras Act XXXVII of 1949).

[5] Section 18 was lettered as sub-section (*a*) of that section and to the sub-section as so lettered sub-section (*b*) was added by section 11 of the Madras Registration of Births and Deaths (Amendment) Act, 1945 (Madras Act XIX of 1945) as modified and permanently re-enacted by section 3 of, and the Second Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[6] This word and figures were substituted for the word and figures "and 12" by section 3 of the Madras Registration of Births and Deaths (Amendment) Act, 1942 (Madras Act 11 of 1942). This was permanently re-enacted by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

having been appointed as registrar under sub-section (1) of section 5, fails without sufficient cause to perform his duties as such.]

Prosecutions not to be instituted except under the order of a Tahsildar or Deputy Tahsildar, or an officer superior to him.

19. (1) No prosecution in respect of any offence punishable under this Act shall be instituted except under the order of [5][a Tahsildar or Deputy Tahsildar] having jurisdiction over the village,[2][or plantation] in which the offence was committed or of an officer to whom [1][the Tahsildar or Deputy Tahsildar] is subordinate.

The District Collector or any officer generally or especially empowered by him in this behalf may stay such prosecution.

Accused persons may appear and be defended by agents.

(2) In prosecutions for offences under the provisions of this Act, the accused person may appear by an agent and may of right be defended by an agent :

Provided that the Magistrate may at any stage of the proceedings, for reasons to be recorded in writing, direct the personal attendance of the accused.

Power of State Government to frame forms and make rules.

20. The [3][State Government] may after previous publication, make rules—

(1) prescribing the forms of registers of births and deaths required to be kept under this Act ;

(2) for the inspection and examination of the registers maintained under section 5 ;

(3) for the conduct of the duties of the registrar during his absence on other duty or on account of illness or other cause ;

(4) for the custody, production and transfer of the registers and other records kept by registrars ;

(5) for the correction of clerical errors which may be discovered in the registers of births or registers of deaths ;

(6) generally to carry out the provisions of this Act.

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[1] These words were substituted for the words " the Tahsildar " by section 2 of the Madras Registration of Births and Deaths (Amendment) Act, 1939 (Madras Act I of 1939).

[2] These words were inserted by section 12 of the Madras Registration of Births and Deaths (Amendment) Act, 1945 (Madras Act XIX of 1945) as modified and re-enacted permanently by section 3 of, and the Second Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[3] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State "was substituted for " Provincial " by the Adaptation Order of 1950.